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Peter Birks and the Roman Law of Obligations

Posted on [07/08/2014](#) by [John Cairns](#)

When this blogger returned to the then Faculty of Law of the University of Edinburgh as a young lecturer, Peter Birks held the Chair of Civil Law. A man of fearsome energy, Birks founded the Edinburgh Roman Law Group, as well as being behind the then Legal History Discussion Group (now the Alan Watson Seminar) and the Roman Law Club (now the Henry Goudy Seminar). He was also the senior colleague whom this blogger found most most supportive and encouraging.

In Edinburgh Peter's duties were to deliver (along with other colleagues) the lectures on Civil (i.e. Roman) Law ordinary (three lectures per week through the three terms), classes on comparative law, and the twenty, two-hour honours seminars in Civil Law. Peter was a charismatic man to whom some students became completely devoted; others found his standards too high, and his lectures were certainly not for duffers or the idle.

Our colleague Eric Descheemaker, who was Peter's doctoral student at Oxford, has just edited for publication Peter's lectures in Edinburgh on the Roman Law of Obligations (Peter Birks, *The Roman Law of Obligations* (Oxford: University Press, 2014). This is the first fruit of a project to publish collected works by Peter, including unpublished works. Your blogger had a copy of part of these in his possession and drew them to the attention of Eric some time ago. The whole was discovered by Eric in Peter's papers. My recollection was that Peter prepared these for the assistance of the students, and he made the text available to students through the law library. Indeed, our first-year Civil Law course is still essentially the same in structure, and we even still share in our Course Guide some of the questions here included at the end.

It is both pleasurable and sad to read these. Reading some of them, I can actually hear Peter's voice, they are so much his. One gets a real sense of him and his enthusiasms from this book. He was fascinated by taxonomy, as even those who only know him from his work on unjust enrichment will also be aware. Eric is to be congratulated on publishing these. I shall certainly be recommending them to our first-year students, so once more they can have the benefit of Peter's fierce intellect.



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- [303 Years of Civil Law](#) (8)
- [In memoriam](#) (20)
- [Legal History](#) (147)
- [Libraries](#) (6)
- [Louisiana](#) (11)
- [New Books](#) (15)
- [News and Events](#) (46)
- [Old Books](#) (4)
- [Opportunities](#) (29)
- [Practicks](#) (4)
- [Resources](#) (11)
- [Roman Law](#) (25)
- [Slavery](#) (9)
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